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30 FERN LANE
SOUTH PORTLAND, ME 04106

EXAMINER

BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/484,730

Applicant(s)

EYAL, BARTFELD

Examiner

Reuben M. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 24 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 73-121 and 123-134 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 73-121 and 123-134 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the amended claims have been considered but are moot in view of the new ground(s) of rejection. Regarding independent claims 93 & 113, which were not amended, the claimed subject matter does not require video 'frames', as recited in the amended claims. Therefore the instant claims are still broad enough to read on the previous cited prior art.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 120, 121 & 134 are rejected under 35 U.S.C. 102(b) as being anticipated by Checco, (U.S. Pat # 5,859,898).

Considering claim 120, the amended claimed method for handling messages, adapted to operate in a TV messaging environment, comprising:

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‘using a telephone, recording a voice message in a TV messaging gateway located remotely to the premises in which the telephone is located’ reads on the teachings of Checco, which teaches that a user may record a voice message with a telephone, such that the instant voice message is stored in a central location, i.e., the voice and data message storage 412, col. 8, lines 56-67 thru col. 9, lines 1-35.

‘automatically packing the voice message into an e-mail message and sending the e-mail message’ is broad enough to read on the disclosure of Checco that subscriber’s in the system may have preference for a reception format of their messages. For instance, if a subscriber prefers to receive messages in an e-mail format, then all messages, including voice messages to the instant subscriber are packaged as e-mail messages, and sent upon request, see col. 9, lines 35-45.

Considering claim 121, in the data messaging system 304, at least voice and e-mail messages are received. The retrieved messages are then transmitted as outgoing messages, once they have been requested by the subscriber, col. 9, lines 1-67.

Considering claim 134, the claimed feature reads on Checco, col. 6, lines 1-30.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 73-83, 85-91 & 101-112 are rejected under 35 U.S.C. 103(a) as being unpatentable over Checco, in view of Lovett, (U.S. Pat # 4,450,477).

Considering claim 73, the claimed TV messaging gateway for handling messages, reads on the data messaging system 304 of Checco, which supports a plurality of types of messages col. 4, lines 20-38 & col. 4, lines 45-67.

‘at least one terminal constructed to selectively display video signals on a TV screen’, Checco, col. 10, lines 31-55, discloses the use of a set-top box 358, col. 4, lines 59-62 & col. 11, lines 1-8.

‘upstream network capable of delivering user input signals from a remote location to the central location’, Checco, col. 4, lines 11-67; col. 7, lines 19-30.

‘TV messaging gateway adapted for operating in conjunction with a messaging server to store and forward the messages’, Checco, col. 5, lines 65-67 thru col. 6, lines 1-20.

‘message control interface adapted to couple the messaging server for controlling at least one message therein, such that the message has address information, which associates with at

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least one subscriber', reads on the communications entry point 302 and DSP 404, col. 6, lines 1-67 & col. 8, lines 58-67.

'video output module for generating video frame signals corresponding to the message or at least a portion of the message, for distribution over the downstream network to an addressable terminal', reads on the operation of the data messaging system 304, including PARS 408B, which can convert any message type to still video image frames, for transmission over a high-bandwidth, broadband network for delivery to the authorized requesting subscriber(s), col. 10, lines 21-67 thru col. 11, lines 1-10.

'input device interface connected to the upstream network for receiving user input signals and logic for directing the message between the message control interface and video output module' is met by the entry point 302 and DSP 404.

As for the claimed feature of operating in a TV distribution system, having a central location connected to a downstream network, Checco discloses at several instances that the data messaging system 304, may be connected to different communications networks 302 including high-bandwidth broadband networks, such as ISDN, but does not explicitly state that a TV or CATV network may be used. Nevertheless, Lovett teaches a system where subscribers access messages from a central server, using a CATV system, (col. 6, lines 25-67; col. 9, lines 41-65; col. 10, lines 4-30; col. 13, lines 3-25 & col. 14, lines 1-35). It would have been obvious for one of ordinary skill in the art at the time the invention was made, to operate Checco using a CATV system, at least for the known advantage of a higher bandwidth channel, which allows for more interoperability, as taught by Lovett, col. 5, lines 29-67 thru col. 6, lines 1-18.

It is noted that Lovett is particularly relevant since it also teaches transmitting user selected data messages as video still frames, to a subscriber's premise, (col. 11, lines 34-67). The data messages are sent on a standard TV channel, which allows the subscriber to receive and view the data using an unmodified TV set 110, see col. 13, lines 59-68 thru col. 14, lines 1-14. If the data messages are transmitted on a channel that is not standard VHF or UHF TV channel, (i.e. 2 thru 83), then a set top converter 163 is used down convert the data message at the user premise to one of the standard TV channels, then the data message is displayed on the unmodified TV set 110, col. 14, lines 64-68 thru col. 15, lines 1-9.

Considering claim 74, see Checco col. 6, lines 1-15, voice and data message storage 412.

Considering claims 75 & 79, see Checco, col. 7, lines 19-29.

Considering claim 76, see Checco, col. 4, lines 24-64.

Considering claim 77, see Checco, col. 5, lines 1-26.

Considering claims 78 & 102, see Checco, col. 4, lines 11-38.

Considering claim 80, the CATV network of Lovett is a bi-directional TV distribution network, col. 11, lines 15-28.

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Considering claims 81-82, Checco discusses the use of speech recognition technology, col. 7, lines 22-28 & col. 8, lines 44-50.

Considering claim 83, Checco discusses that one of the networks 320, may be the Internet col. 4, lines 11-54.

Considering claim 85, the claimed local module at the user premises at least reads on the GUI system in Checco that enables to the user to access messages, see Fig. 8 & col. 8, lines 44-55.

Considering claim 86, the claimed feature reads on Checco, col. 8, lines 58-65.

Considering claim 87, Checco notifies subscribers of messages, col. 5, lines 5-10.

Considering claim 88, see Checco, col. 4, lines 25-67, which meets the claimed subject matter.

Considering claim 89, Lovett teaches that the downstream network for transmitting message is a CATV network, col. 9, lines 41-67; col. 10, lines 59-68; col. 14, lines 1-35.

Considering claim 90, Checco teaches that the video messages may be sent as MPEG video, which reads on digital, col. 4, lines 45-51.

Considering claim 91, Checco teaches that the voice and data storage 412, stores user voice messages and they are retrieved and transmitted as messages, col. 9, lines 8-48.

Considering claim 101, the claimed steps included in a method for handling messages, corresponds with subject matter mentioned above in the rejection of claim 73 and is likewise treated.

Considering claim 103, the claimed steps of recording a user's voice and embedding within a message are met by Checco, col. 9, lines 21-48.

Considering claim 104, in Checco the embedding of a voice message with an e-mail is automatic a recipient chooses e-mail as a preferred message reception format, col. 9, lines 9-48.

Considering claim 105, Checco teaches that a voice input may be made sing a telephone, col. 8, lines 55-67.

Considering claim 106, the claimed subject matter reads on the data messaging system 304, (col. 5, lines 65-67 thru col. 6, lines 1-30) located at a remote location and the GUI at the user premise for accessing messages, (col. 8, lines 44-55 & Fig. 8).

Considering claim 107, see Checco, col. 10, lines 21-48.

Considering claim 108, the claimed feature of recording a voice message and automatically packing in an e-mail message is broad enough to reads on the discussion in Checco

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that a recorded voice message is at least partially converted to an e-mail, if that is the recipient's preferred reception format.

Considering claim 109, in Checco, a voice message may be input using a telephone, col. 8, lines 58-67.

Considering claim 110, the data messaging system 304, reads on the claimed unified messaging server, col. 4, lines 45-67.

Considering claims 111-112, the claimed feature reads on Checco, col. 6, lines 1-30.

6. Claim 84 is rejected under 35 U.S.C. 103(a) as being unpatentable over Checco & Lovett, and further in view of Krisbergh, (U.S. Pat # 5,138,649), herein after referred to as Krisbergh '649.

Considering claim 84, Checco discusses the use of a remote control and microphone, see col. 8, lines 44-55; but does not teach that user input is via a remote control having a microphone. However, Krisbergh '649 discloses a microphone attached to a remote control, (Fig. 1; col. 3, lines 50-60). It would have been obvious for one ordinary skill in the art at the time the invention was made, to modify Krisbergh '970 with the teachings of Krisbergh '649, combining a telephone and remote control, at least for the known improvement of reducing the number of user input devices.

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7. Claim 92 is rejected under 35 U.S.C. 103(a) as being unpatentable over Checco & Lovett, and further in view of Wagner, (U.S. Pat # 6,335,736).

Considering claim 92, Checco & Lovett do not teach providing a progress to indicate the status of a video reception. Nevertheless, Wagner teaches that when a subscriber is receiving a video, it is desirable to display a progress to indicate how much video has been delivered, see Abstract; Fig. 7 & col. 7, lines 9-18. It would have been obvious for one ordinary skill in the art at the time the invention was made, to modify Checco with the teachings Wagner, providing a progress indicator, at least for the improvement of keeping the subscriber informed of the status of his video download.

8. Claims 93, 99 & 129-130 rejected under 35 U.S.C. 103(a) as being unpatentable over Krisbergh (U.S. Pat # 5,999,970, herein after referred to as Krisbergh '970, in view of Krisbergh '649.

Considering claims 93 & 129, the claimed TV messaging gateway for handling messages, such that the gateway is adapted to operate in conjunction with a TV distribution system having a central location connected to a video downstream network constructed to carry video signals and distribute the signals to the plurality of terminals is met by the application server 68, which is

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located in the headend server 38 that transmits video and data services over a CATV system; see Fig. 1; Fig. 5; col. 5, lines 10-65.

The claimed terminal for selectively displaying a video signal on a TV screen, at least reads on the TV set 56, of Fig. 1, which displays TV programs selected by the subscriber. The claimed upstream network capable of delivering user input signals from a remote location to the central location is met by the discussion in Krisbergh '970 of a sender-subscriber sending video mail to a receiver, col. 4, lines 10-45; col. 5, lines 40-58 & col. 8, lines 61-664.

The claimed feature of the messaging gateway operating in conjunction with a messaging server that is constructed to store and forward messages, such that the gateway comprises a message control interface adapted to couple the messaging server for controlling at least one message, such that the messages have an attached address for being associated with at least one user is met by the disclosure of Krisbergh '970. The reference teaches the use of a post office 76 and caching engine 78 that stores and forwards e-mails, col. 5, lines 40-63.

The claimed feature of the messaging gateway operating in conjunction with a messaging server that is constructed to store and forward messages, such that the gateway comprises a message control interface adapted to couple the messaging server for controlling at least one message, such that the messages have an attached address for being associated with at least one user is met by the disclosure of Krisbergh '970. The reference teaches the use of a post office 76 and caching engine 78 that stores and forwards e-mails, col. 5, lines 40-63.

Therefore additionally claimed feature of the messaging gateway, in conjunction with a messaging server, comprising a message control interface and controls the messages, such that the messages have address information, corresponding to at least one subscriber is also met by Krisbergh '970, col. 5, lines 40-68.

As for the additionally claimed feature of a telephone handset for user input, Krisbergh '970 teaches the use of a remote control. However the reference does not teach the use of a telephone keypad, as a user input device to enter user commands. Nevertheless, Krisbergh '649 discloses a combination of a remote control device and telephone handset, Abstract & col. 1, lines 41-55 & col. 2, lines & col. 3, lines 50-65. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Krisbergh '970, with the well known technology of a telephone handset as a user input device, at least for the desirable benefit of the convenience of such an arrangement, as taught by Krisbergh '649.

Considering claim 99, Official Notice is taken that at the time the invention was made, speech recognition technology for making user input signals via voice was very well known in the art. It would have been obvious for one ordinary skill in the art at the time the invention was made, to modify the combination of Krisbergh '970, with the old art of speech recognition technology for taking voice input, at least for the known advantage of making the system more accessible to a wider range of users, such as those without sight.

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Considering claim 130, the claimed centralized module reads on the application server 68 of Krisbergh '970, Fig. 3 & Fig. 5. The claimed local module is broad enough to read on the processing functions located within the set top converter 54 that enable the e-mail services, col. 8, lines 23-34.

9. Claims 94-98, 100 & 131 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krisbergh '970 and Krisbergh '649, and further in view of Krueger.

Considering claims 94 & 131, Krisbergh '970 only discusses a messaging system that handles standard e-mail. However, Krueger introduces a system that includes e-mail with multimedia such as audio & video, col. 5, lines 45-58. Therefore the messaging server in Krueger reads on the claimed unified messaging server; see col. 2, lines 24-35 & col. 3, lines 7-64. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Krisbergh '970, with the technology of adding multimedia content to an e-mail (col. 3, lines 36-40), requiring a unified messaging server, at least for the desirable benefit providing the users with a more expressive e-mail message.

Considering claim 95, Krisbergh '970 teaches that the upstream channels may utilize a CATV distribution network 12, which reads on the claimed subject matter, col. 8, lines 61-64.

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Considering claim 96, in Krisbergh '970 the TV messaging gateway is comprised of a centralized module and a local module, located at the user premise, col. 5, lines 26-67 & col. 4, lines 31-56.

Considering claim 97, Krisbergh '970 optionally utilized a bi-directional TV network for two-way communications, col. 1, lines 45-60 & col. 4, lines 26-31.

Considering claim 98, Krisbergh '970 may be coupled to an IP network, col. 1, lines 35-41 & col. 4, lines 53-65.

Considering claim 100, Krisbergh '970 only discuss a messaging system that handles standard e-mail. However, Krueger introduces a system that includes e-mail with multi-media such as audio & video, col. 5, lines 45-58. Therefore the messaging server in Krueger reads on the claimed unified messaging server; see col. 2, lines 24-35 & col. 3, lines 7-64. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Krisbergh '970, with the technology of adding multimedia content to an e-mail (col. 3, lines 36-40), requiring a unified messaging server, at least for the desirable benefit providing the users with a more expressive e-mail message.

10. Claim 113 & 119 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krisbergh '970, in view of Born, (U.S. Pat #6,064,440).

Considering claim 113, the claimed method for handling messages in a unified messaging system, delivered over a digital TV network, comprising selecting messages in the unified messaging system, having address information associated with at least one user is met by Krisbergh '970, col. 3, lines 5-15; col. 5, lines 9-67 & col. 9, lines 19-28.

As for the claimed receiving video signals corresponding to the messages via the TV network Krisbergh '970 teaches that for e-mail messages are transmitted to subscribers, and displayed on a TV set, but does not explicitly state that they are transmitted as video signals. Nevertheless, Born discloses the transmission of numerous types of services over a CATV system, using the well-known VBI technology, Abstract; col. 2, lines 17-35 & col. 3, lines 8-18. However, Born discloses that in order to achieve a higher data throughput, the CATV operator may use the regular lines of video to transmit the data services, instead of the only line 21 of the VBI, col. 10, lines 1-20. Born teaches that this option is particularly useful when there are video channels available, but no video content available to be transmitted over a particular available channel.

It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Krisbergh '970 to transmit Internet data over a full video channel, instead of the VBI at least in order to utilize available video channel bandwidth, thereby obtaining a higher data throughput, as taught by Born. Furthermore, Born is of particular relevance to the

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claimed invention, since it is disclosed that e-mail messages is included in the types of data that may be transmitted using the disclosed transmission techniques; see col. 11, lines 55-67.

Considering claim 119, Official Notice is taken that a graphical display on a user TV indicating the progress of the execution or playback of an application was well known at the time the invention was made. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Krisbergh '970 with the known feature of visually indicating to a user the progress of an application, at least for the desirable benefit assisting the subscriber in programming selection.

11. Claim 117 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krisbergh '970 & Born, and further in view of Krisbergh '649.

Considering claim 117, both Krisbergh '970 and Born, teach the use of remote controls as a user input device to enter user commands. Neither reference teaches the use of a telephone keypad, user voice input, or a combination thereof. Nevertheless, Krisbergh '649, discloses a combination of a remote control device and telephone handset, Abstract & col. 1, lines 41-55 & col. 2, lines & col. 3, lines 50-65. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify the combination of Krisbergh '970 & Born, with the well known technology of a telephone handset as a user input device, at least for the desirable benefit of the convenience of such an arrangement, as taught by Krisbergh '649.

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12. Claims 114-115 & 118 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krisbergh '970 & Born and further in view of Krueger.

Considering claim 114, Krisbergh '970 only discuss a messaging system that handles standard e-mail. However, Krueger introduces a system that includes e-mail with multi-media such as audio & video, col. 5, lines 45-58. Therefore the messaging server in Krueger reads on the claimed unified messaging server; see col. 2, lines 24-35 & col. 3, lines 7-64. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Krisbergh '970, with the technology of adding multimedia content to an e-mail (col. 3, lines 36-40), at least for the desirable benefit providing the users with a more expressive e-mail message.

Krueger teaches the claimed features of recording a voice message, automatically packing the message into e-mail and sending the e-mail; see col. 5, lines 49-60; col. 6, lines 1-18 & col. 7, lines 60-67.

Considering claim 115, Official Notice is taken that at the time the invention was made, it was known to use a telephone to send a message. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to operate Krisbergh '970 & Krueger in a manner wherein a telephone is used for voice input, instead of the microphone discussed in Krueger, at least for the desirable advantage of utilizing premise equipment already available at most user premises.

Considering claim 118, Krueger utilizes a microphone, col. 5, line 51.

13. Claim 116 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krisbergh '970 & Born, and further in view of Checco.

Considering claim 116, Krisbergh '970 discusses the transmission of e-mail messages, but does not discuss fax messages, while Born teaches transmitting e-mail messages as video signals. However, Checco, which is in the same field of endeavor, also teaches a unified messaging system that supports, e-mail, voice, fax and video messages, col. 4, lines 20-67. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Krisbergh '970, with the feature of fax, voice & video messages, as taught by Checco, at least for the desirable advantage of providing the subscriber with more messaging options.

14. Claims 123-128 & 132-133 are rejected under 35 U.S.C. 103(a) as being unpatentable over Checco, in view of Krueger, (U.S. Pat # 6,460,075).

Considering claims 123 & 125, the amended claimed method for handling messages in a unified messaging system where messages are delivered via a TV network, comprising:

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As for the claimed unified messaging system, the disclosure of Checco meets the claimed limitation since it teaches that the data messaging system 304, at least supports fax, e-mail, voice & video messages, Abstract; col. 4, lines 25-61; col. 5, lines 5-26; col. 5, lines 65-67 thru col. 6, lines 1-15.

‘selecting messages addressed to a user in the unified messaging system; receiving video frame signals corresponding to the messages via a TV network; and outputting the video frames on a TV set’ is met by the discussion in Checco that a subscriber may choose to have their messages transmitted over a broadband network and be displayed on a TV set, via a set top box. Checco goes on to teach that in this scenario, the messages are sent as high bandwidth still video images (i.e., frames), which reads on the amended subject matter, see col. 10, lines 49-67 thru col. 11, lines 1-8. Moreover, Checco discloses that video messages may be set in video frames, which also reads on the claimed subject matter, col. 4, lines 45-51.

‘wherein at least one of the selected messages are of type selected from a list consisting of fax messages, and voice messages’, again Checco discloses that the data messaging system 304, at least supports fax, e-mail, voice & video messages, col. 4, lines 25-61; col. 5, lines 5-26; col. 5, lines 65-67 thru col. 6, lines 1-15.

Regarding the additionally claimed, ‘recording an outgoing message, digitizing the outgoing message; and automatically packaging the message in an outgoing e-mail message and sending the outgoing message’, Checco discloses that a user may send a voice message to a subscriber of the system, using a telephone, col. 6, lines 60-65. Nevertheless, Krueger, which is in the same field of invention as Checco, teaches that a user system may capture and store an

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outgoing audio and/or video message, in storage 34 col. 4, lines 41-50. Krueger goes on to teach that audio and/or video signals may be packaged within an e-mail message and sent as an outgoing e-mail message, col. 5, lines 45-67 thru col. 6, lines 1-67. It would have been obvious for one of ordinary skill in the art, at the time the invention was made, to modify Checco with the teachings of Krueger providing the recording and digitize outgoing messages, and then transmit as e-mail, at least for the desirable advantage increased flexibility of creating multimedia e-mail messages at the sender's location.

Considering claim 124, both Checco (col. 9, lines 21-50) and Krueger (col. 3, lines 61) teach that a message may be recorded, digitized and packaged as e-mail, at a remote server.

Considering claim 126, the claimed feature of entering user-outgoing messages via the upstream network reads on Checco, (col. 9, lines 1-5).

Considering claim 127, Checco teaches that the user may use telephone to make a voice message, col. 4, lines 25-38; col. 4, lines 59-65.

Considering claim 128, Checco teaches notifying subscribers when a message has been received, col. 5, lines 5-10.

Considering claims 132-133, the claimed feature reads on Checco, col. 6, lines 1-30

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Gelman Teaches providing a progress bar to indicate reception status of downloaded video.

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for formal communications intended for entry)

Or:

(703) 746-6861 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")


*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).*

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Reuben M. Brown whose telephone number is (703) 305-2399.
The examiner can normally be reached on M-F (8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Christopher Grant can be reached on (703) 305-4755. The fax phone numbers for the
organization where this application or proceeding is assigned is (703) 872-9306 for regular
communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the receptionist whose telephone number is (703) 305-4700.

Reuben M. Brown



CHRIS GRANT
PRIMARY EXAMINER